IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

FUNCTION MEDIA, L.L.C.,

Plaintiff,

S

Civil Action No. 2007-CV-279

S

VS.

S

GOOGLE, INC. AND YAHOO, INC.,

Defendants.

JURY TRIAL DEMANDED

FUNCTION MEDIA, L.L.C.'S UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT IN ITS SURREPLY TO GOOGLE'S MOTION TO SEAL DOCUMENTS AND CLOSE THE COURTROOM DURING PRESENTATION OF CONFIDENTIAL MATERIAL AT TRIAL

Function Media, L.L.C. ("Function Media") respectfully moves this Court for leave to file two additional pages, for a total of seven pages, in its Surreply to Google Inc.'s Motion to Seal Documents and Close the Courtroom During Presentation of Confidential Information at Trial. Doc. 190.

Granting this motion will permit Function Media to more fully brief its opposition to Google's motion, thereby assisting the Court in its decision. This motion is unopposed by Google. A proposed order is submitted herewith.

Dated: November 30, 2009

Respectfully submitted,

/s/ Warren T. Burns
Warren T. Burns
State Bar No. 24053119
Max L. Tribble, Jr.
State Bar No. 20213950
Email: mtribble@susmangodfrey.com

SUSMAN GODFREY L.L.P. 1000 Louisiana, Suite 5100 Houston, Texas, 77002 Telephone: (713) 651-9366 Facsimile: (713) 654-6666

Lead Attorney for Plaintiff

OF COUNSEL:
Joseph S. Grinstein
State Bar No. 24002188
Aimée Robert
State Bar No. 24046729
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002-5096
Telephone: (713) 651-9366
Fax: (713) 654-6666
jgrinstein@susmangodfrey.com
arobert@susmangodfrey.com

Jeremy Brandon
State Bar No. 24040563
Warren T. Burns
State Bar No. 24053119
SUSMAN GODFREY L.L.P.
901 Main Street, Suite 5100
Dallas, Texas 75202-3775
Telephone: (214) 754-1900
Fax: (214) 754-1933
jbrandon@susmangodfrey.com
wburns@susmangodfrey.com

Justin A. Nelson State Bar No. 24034766 SUSMAN GODFREY L.L.P. 1201 Third Avenue, Suite 3800 Seattle, Washington 98101-3000 Telephone: (206) 516-3880 Fax: (206) 516-3883 jnelson@susmangodfrey.com

Robert Christopher Bunt State Bar No. 00787165 Charles Ainsworth PARKER, BUNT & AINSWORTH, P.C. 100 East Ferguson, Suite 1114

Tyler, Texas 75702

Telephone: (903) 531-3535

Fax: (903) 533-9687 rcbunt@pbatyler.com charley@pbatyler.com

S. Calvin Capshaw
State Bar No. 037839000
Elizabeth L. DeRieux
State Bar No. 05770585
D. Jeffrey Rambin
CAPSHAW DERIEUX, LLP
Energy Centre
1127 Judson Road, Suite 220
P.O. Box 3999 (75606-3999)
Longview, Texas 75601-5157
Telephone: (903) 236-9800
Fax: (903) 236-8787
ccapshaw@capshawlaw.com
ederieux@capshawlaw.com

jrambin@capshawlaw.com

Otis Carroll
State Bar No. 03895700
Collin Maloney
State Bar No. 00794219
IRELAND, CARROLL & KELLEY, P.C.
6101 S. Broadway, Suite 500
Tyler, Texas 75703
Telephone: (903) 561-1600

Fax: (903) 581-1071 otiscarroll@icklaw.com cmaloney@icklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2009, counsel for Function Media conferred with counsel for Google regarding this motion. Counsel for Google indicated that Google is not opposed to the relief sought in this motion.

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2009, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

<u>/s/_Warren T. Burns</u> Warren T. Burns

Harry L. Gillam, Jr. Melissa R. Smith GILLAM & SMITH, L.L.P. 303 South Washington Avenue Marshall, TX 75670

Carl G. Anderson QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP 50 California Street, 22nd Floor San Francisco, CA 94111